

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

United States of America, et al.

Case No. 09-cv-283-PB

City of Portsmouth, et al.

O R D E R

Before the court is a motion to intervene (Doc. No. [11](#)) filed on August 22, 2012 by the Conservation Law Foundation ("CLF").

The case was commenced on August 17, 2009, when the United States filed a proposed consent decree with the court. The proposed decree was later published in the Federal Register and a 30-day public comment period expired without comment or objection from CLF. CLF did not seek to intervene in the action at that time. I entered judgment approving the consent decree on September 24, 2009, and no further filings were made until the United States lodged a proposal to modify the decree on July 2, 2012.

CLF plainly has a right to intervene in the action and, to the extent it seeks to participate in litigation over the proposed modification of the decree, its motion is timely. I agree with the government, for the reasons cited in its memorandum in response to the motion to intervene, however, that the intervention should be limited to the issues that are currently before the court. Accordingly, the motion is granted to the extent that CLF is authorized to file briefs in response to the pending motion to enter the consent decree modification, file an appeal from any adverse decision concerning the motion, and continue CLF's regular interactions with the parties.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

October 9, 2012

cc: Thomas F. Irwin, Esq.  
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E. Tupper Kinder, Esq.